



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

Notice of Proposed Action

April 12, 2007

Pursuant to Nevada Revised Statutes (NRS) Chapter 445B and the Nevada Administrative Code (NAC) Chapter 445B the Division of Environmental Protection is issuing the following notice.

The Director has made an initial determination regarding De Minimis designation for mercury emissions from thermal units at precious metals mining/processing stationary sources, pursuant to the requirements established in NAC 445B.3657.

The Director proposes five pounds per year per facility mercury emissions limit from thermal units with potential to emit mercury. Applicable thermal units are subject to the Nevada Mercury Air Emissions Control Program, located at stationary sources, with an active Air Quality Operating Permit that belongs to industry Group 104, Gold and Silver Ores, of Major Group 10, Metals Mining, of the Standard Industrial Classification Manual

The Director's initial determination, in brief, is based on the following:

- Currently available data for thermal units with the potential to emit mercury to the atmosphere. Data was aggregated from the 2006 Mercury Questionnaire, 2006 Mercury Questionnaire Addendums, Phase 1 Mercury Operating Permit to Construct Applications and De Minimis designation requests. The data set includes approximately 200 thermal units.
- De minimis is a foundational concept of the Nevada Mercury Air Emissions Control Program. The 5 pounds per year emission level will provide for a robust target group of emission units to receive mercury controls. This target group contains units currently with mercury emissions controls and units without any controls. All units will be reviewed for mercury control technology. Units without controls will be required to add the best control technology. Units with controls may be required to update to the best control technology. Any new or modified units will be required to immediately install the best control technology.
- The 5 pounds per year level will focus Program resources on the emission units for which mercury control technologies are available, at a non-deleterious cost, to rapidly provide for substantial mercury emissions reductions. Units below the 5 pounds per year emission level are primarily analytical and assay laboratory thermal units which emit less than 1 pound per year, each. Substantial investments in controls for laboratory units are not likely to yield a significant reduction in mercury emissions due to the low pre-control
- Pursuant to NAC 445B.3665, designated De Minimis units will demonstrate compliance annually with the De Minimis emission level according to standardized calculation and test

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methods. Any units that do not demonstrate annual compliance with the De Minimis emission level will lose their De Minimis status.

Persons wishing to comment upon the initial determination by the Director regarding de minimis or to request a hearing pursuant to NRS 445B Air Pollution and NAC 445B Air Controls should submit their comments or request in writing either in person or by mail or fax within thirty (30) days to:

Rob Bamford
Division of Environmental Protection
Nevada Bureau of Air Pollution Control
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9330 (775) 687-6396 FAX

Written comments or objections, will be received at the Division of Environmental Protection, above address, until May 18, 2007, and will be retained and considered. Please bring the foregoing notice to the attention of all persons whom you know may be interested in this matter.